

REMARKS

Claim 1 is voluntarily edited for clarity without any narrowing that could invoke Festo-like limitations. For example, although the claim is now more clearly in Jepson or improvement form, it was so originally as shown by the word "member" in its first and last lines, and was understood so as shown by the art in the claimed field cited. For another example, the original "horizontal" and "upward" have now been broadened into "length" and "transversely to said length."

Claims 1, 2 and 12 were rejected under 35 USC 102(b) as being anticipated by LeBlanc (US 6669404).

In the analysis of LeBlanc supplied by the Examiner, the Examiner argues that the wall portion is 70 and the concrete base 60 and then states that the duct 30 is in the wall portion 70. However, if LeBlanc is inspected, the duct 30 is in the concrete base 60, not the wall 70 (see Figure 4).

A further failure of LeBlanc is that the passage 30 extends transverse of the foundation as opposed to longitudinally between end walls of the wall portion. In this regard it must be remembered Figure 4 of LeBlanc is a transverse cross-section, not a longitudinal cross-section. According, LeBlanc fails to disclose the following features of claims:

- (1) the duct being in the wall portion;
- (2) the duct extending longitudinally (as opposed to transversely); and
- (3) the duct extending between longitudinal ends of the member

Claims 1, 3 and 10 were rejected under 35 USC 1029b) as being anticipated by DeSanto (US 6550819). The Examiner argues that DeSanto shows a wall portion 16 on a cast concrete base 18 with at least one duct 12 in the wall portion 16.

Claim 1 specifically requires the duct to extend longitudinally of the wall portion so as to have openings in the longitudinal ends of the wall member. As this is clearly seen in Figure 1 of DeSanto, the duct extends transverse of the wall portion, not longitudinally. Therefore, it fails to disclose the following two features of claim 1:

- (1) a duct extending longitudinally of the wall portion; and
- (2) the duct extending between openings in longitudinal ends of the wall portion

Claims 5, 6 and 7 to 9 were rejected under 35 USC 103(a) in respect of a number of references. Again LeBlanc was relied upon. For the above discussed reasons, LeBlanc fails to support the Examiner's arguments in respect of claims 5, 6 and 7 to 9.

Claims 1, 13 and 14 were rejected under 35 USC 102(b) as being anticipated by Molick.

It is argued in the Official action that Molick discloses a wall portion (11, 28) and a cast concrete base (12) and a duct (23) extending through the ends of the wall portion (11).

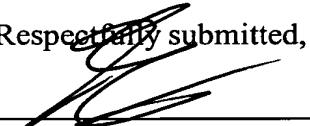
The interpretation of this reference is incorrect. The duct (23) does not pass through the wall portion (11) or concrete base (12). as is clearly seen in figure 5, the duct (23) is exterior of the wall and above the base. It therefore does not disclose a duct extending between end faces of the wall.

The same argument applies to the duct (16). The duct (16) is sandwiched between the floor (13) and wall (11) and does not pass through either of them.

The duct (18) passes through the floor, that is, it does not pass through the wall. More particularly, the duct (18) extends diagonally from and end face of the floor to exit through a major face of the floor.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



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